

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KENNETH PRICE, #150784,)
a.k.a., KENNY PRICE,)
Petitioner,)
v.) CIVIL ACTION NO. 2:06-CV-236-WKW
J. C. GILES, et al.,)
Respondents.)

ORDER

On July 5, 2006, the respondents filed a supplemental answer in which they contend that the petitioner, Kenneth Price, may present his void indictment and unlawful sentence claims to the state courts in a Rule 32 petition. However, the evidentiary materials indicate that Price raised these issues in a Rule 32 petition and the trial court determined that such claims “are precluded as they were raised or addressed on appeal . . .” *Respondents’ Exhibit I - Court Doc. No. 10* at 5. In light of the foregoing, and for good cause, it is

ORDERED that on or before July 20, 2006 the respondents shall file a supplemental answer which (i) addresses whether the trial court improperly precluded Price’s substantive issues challenging the indictment and sentence as such claims may be raised at any time in state court, and (ii) advises whether the trial court will entertain the merits of a successive Rule 32 petition in which Price presents claims of a void indictment and unlawful sentence.

DONE, this 7th day of July, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE

